

**REMARKS**

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed June 23, 2005. Claims 1-24 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-24 were originally presented. Claims 1-24 have been canceled. Claims 25-40 have been added.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-5, 9-17 and 24 (including independent claims 1, 12, and 24) of the present invention (hereinafter "Collins") were rejected under 35 U.S.C. § 102(c) as being anticipated by Glerum et al. (hereinafter "Glerum") U.S. Patent No. 6,708,333.

Glerum discloses a system and method for reporting failures in an application program module for a corporate file server. (See Glerum Abstract). A "bucket" is saved containing information such as the application name, application version, module name, module version, and an offset into the crashing module of the crashing instruction. (See Col. 7, Lines 3-27). The information can be categorized in a variety of buckets. An administrator of the corporate file server can periodically upload the buckets which contain reports on various crashes from the corporate file server to a destination server, such as a software manufacturer's server. (See Col. 10, Line 63 to Col. 11, Line 3; Col. 5 Lines 38-47).

In contrast, the present claims enable diagnosis of an application that is executing in an operational or active condition. In the new claims, the application supplies information about itself while it is operating. The operational environment is in contrast to a crashed or terminating environment and program. This allows a support person to properly diagnose the application in an operational environment with data that has not been corrupted by illegal operations as the program terminates. (See Collins, ¶ 0028).

Independent claim 25 includes a method for enabling remote diagnosis of an application that is executing in an operational environment and its related environment on a client computer from a support location. Claim 25, in pertinent part, includes:

- i) "the operational environment operable to collect and format the diagnostic information using the application interface;
- ii) the application operable to provide the diagnostic information via the communication interface; and
- iii) the operational environment operable to transmit the formatted diagnostic information to the remote location."

The Glerum reference collects information from an application after it has terminated or crashed, but Glerum does not collect configuration and execution environment information when the application is in an operational environment as in claim 1. In addition, clean data that is in an operational state is collected. In contrast Glerum collects, stores, and later transmits corrupted data or a crashed image for a post-mortem analysis of why the application crashed. Because it is assumed that the application has crashed in Glerum, there is no need for real-time analysis of the problem in the application while it is operating. Therefore, Glerum does not anticipate claim 25. Applicant respectfully submits that amended claim 25 is allowable, and urges the Examiner to withdraw the rejection.

Independent claim 32 sets forth a system for enabling a support person at a support location to remotely diagnose an application in an operational environment. Claim 32 has been amended to include the limitations of:

"the application configured to execute within the operational environment, and the application being in communication with the application interface to provide diagnostic information about the application upon request"

As discussed above, Glerum does not disclose a system for remote diagnosis of an executing application at run-time in an operational environment. Rather, the system disclosed in Glerum

allows periodic uploading of failure data (i.e., a memory dump) to a software manufacturer. (See Col. 6, Lines 40-45). Therefore, applicant respectfully submits that claim 32 is allowable and urges the Examiner to withdraw the rejection.

The dependent claims 26-31, and 33-40 should be considered and are patentably distinct. The dependent claims, being narrower in scope, are also allowable for at least the reasons for which the independent claims are allowable.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 6-8 and 18-23 were rejected under 35 U.S.C. § 103 as being unpatentable over Glerum in view of Wookey (hereinafter "Wookey") U.S. Patent No. 6,023,507.

The Office Action stated that the Applicant argued there was no suggestion to combine the references. However, the Applicant is actually arguing that even if Glerum and Wookey were combined, the result would not produce the current invention embodiment as claimed. In particular, claims 25 and 32 have been presented as described above and the new claims are patentably distinct over the prior art.

Wookey discloses a remote diagnostic system in which a monitoring system collects diagnostic information from monitored computers at predetermined intervals. Combining Wookey with the teachings of Glerum would result in a monitoring system which collects periodic information about crashes from a corporate server. The combination of Glerum and Wookey would not result in a method or system for enabling remote diagnosis of an application, as previously discussed, since neither Wookey nor Glerum disclose the concept of remote diagnosis of an application in an operational environment. Both Wookey and Glerum disclose collecting information, but not for an application that is operational. (See Wookey, Abstract).

**CONCLUSION**

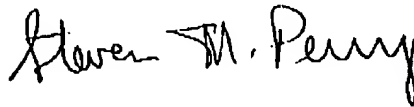
In light of the above, Applicant respectfully submits that pending claims 25-40 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve Perry at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

No claims were added. Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 23rd day of September, 2005.

Respectfully submitted,



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